

New Orleans Health Department Proposed Regulations Public Place/Right-of-Way Obstructions

I. Authority. Pursuant to Section 4-107(3) of the Home Rule Charter of the City of New Orleans, Section 2-1000 of the City Code, Section 146-493 of the City Code, and Chapter 82 of the City Code, the Department of Health of the City of New Orleans proposes the following regulations relative to public place/right-of-way obstructions, including but not limited to regulations on notice, clearing and cleaning of the affected areas, the storage of certain personal property of affected citizens, and monitoring of affected areas.

II. Applicability. These regulations shall apply when either:

- (1) A public right-of-way is deemed to be obstructed pursuant to Section 146-493 of the City Code; or
- (2) A public health advisory has been issued pursuant to Chapter 82 of the City Code, as well as Title 51 of the Louisiana Administrative Code, Part V, Section 303.

III. Notice.

- (1) In the event enforcement actions are intended to be undertaken pursuant to City Code Section 146-493 (Section II (1) hereinabove), notice to those affected by the planned enforcement action shall be provided by the Department of Health or other city agency as follows:
 - (a) Notice shall be in writing, using the template attached hereto as Exhibit "A".
 - (b) Such notice shall be issued, posted, and distributed in and immediately surrounding the affected area, with the first of such notices being so issued, posted, and distributed at least seventy-two (72) hours prior to commencement of any enforcement actions.
 - (c) Such notice shall be (a) distributed by hand to each individual present in the affected area; (b) placed on or affixed to each vehicle present in the affected area; and (c) placed on or affixed to any unattended personal property located in the affected area.
 - (d) In order to further facilitate the effectiveness of notice to those affected by planned enforcement actions, such notice shall again be

issued, posted, and distributed each day following its initial issuance, at different times of the day from its earlier issuance.

- (2) In the event enforcement actions are intended to be undertaken pursuant to the issuance of a public health advisory (Section II (2) hereinabove), notice to those affected by the planned enforcement action shall be provided by the Department of Health or other city agency as follows:
- (a) Notice shall be in writing, using the template attached hereto as Exhibit "B".
 - (b) Such notice shall be issued, posted, and distributed in and immediately surrounding the affected area, with the first of such notices being so issued, posted, and distributed at least seventy-two (72) hours prior to commencement of any enforcement actions.
 - (c) Such notice shall be (a) distributed by hand to each individual present in the affected area; (b) placed on or affixed to each vehicle present in the affected area; and (c) placed on or affixed to any unattended personal property located in the affected area.

- (d) In order to further facilitate the effectiveness of notice to those affected by planned enforcement actions, such notice shall again be issued, posted, and distributed each day following its initial issuance, at different times of the day from its earlier issuance.

IV. Storage of Personal Property Remaining in Affected Areas.

- (1) At the conclusion of enforcement actions, any personal property remaining in the affected areas that has been determined to be (a) not abandoned by the owner(s); (b) free of pest infestations; and (c) not otherwise a health/safety risk shall be seized and removed by the Department of Sanitation (Department of Public Works in the case of vehicles) or other appropriate city agency and stored in/at a designated city facility for a period of at least ninety (90) days in order to afford the owner(s) of such personal property a reasonable opportunity to claim said property upon producing adequate proof of ownership. Citizens may utilize the “Storage of Personal Belongings” form attached hereto as Exhibit “C” to describe the items to be stored and to facilitate their claim to ownership thereof.

- (2) In the event such personal property is not claimed by its rightful owner(s) within the ninety (90) day time period cited hereinabove, the city may dispose of such unclaimed personal property in whatever manner may be deemed appropriate.

V. Cleanup.

- (1) At the conclusion of enforcement actions and after (a) all citizens in the affected areas have vacated the premises and (b) any personal property of the nature described in Section IV (1) hereinabove has been removed by an appropriate city agency, the Department of Sanitation shall remove any and all trash, refuse, garbage, or personal property not of the nature described in Section IV (1) hereinabove and dispose of said trash/refuse/garbage /personal property in whatever manner may be deemed appropriate.
- (2) After all such trash/refuse/garbage/personal property has been cleared from the affected areas, pursuant to Section V (1) hereinabove, the Department of Sanitation (or Downtown Development District (DDD) in the event the affected area is within DDD's jurisdiction) may wash down or power wash the affected areas.

- (3) In the event it is determined that any vermin, including but not limited to rats, rodents, mice, flies, ticks, lice, mosquitoes, fleas, roaches, termites, ants, or other pests are present in the affected areas, the New Orleans Mosquito, Termite, and Rodent Control Board may implement appropriate abatement procedures in the affected areas once they have been washed down/power washed pursuant to Section V (2) hereinabove and are dry.

VI. Monitoring.

- (1) In the event a public health advisory has been issued relative to a subject area, at the conclusion of enforcement actions and cleanup (pursuant to Sections III (2), IV (1), and V hereinabove), police barricades shall be installed around the affected areas by the New Orleans Police Department (NOPD) or other appropriate city agency in order to secure the affected areas and deter citizens from entering said areas.
- (2) As long as police barricades remain in place, securing the affected areas, NOPD and/or other appropriate city agencies may monitor the site to ensure that citizens are not entering thereon while the area may still pose a public health threat.